



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

Fifty-eighth session

Summary record of the 1229th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 9 July 2014, at 10 a.m.

Chairperson: Ms. Neubauer (*Vice-Chairperson*)

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In the absence of Ms. Ameline, Ms. Neubauer (Vice-Chairperson) took the chair.

The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Fifth periodic report of Lithuania (CEDAW/C/LTU/5; CEDAW/C/LTU/Q/5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Lithuania took places at the Committee table.*

2. **Mr. Klimavičius** (Lithuania), introducing the fifth periodic report (CEDAW/C/LTU/5), said that women accounted for 76 per cent of civil servants and occupied 35 per cent of all managerial positions in Lithuania. The President of Lithuania and the head of parliament were also women. In 2013, Lithuania had signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) and was considering ratifying it in the future. In 2012 it had ratified the Council of Europe Convention on Action against Trafficking in Human Beings. During its presidency of the Council of the European Union, Lithuania had promoted substantial gender equality focusing on the effectiveness of institutional mechanisms for the advancement of women and on the prevention of domestic violence. In 2011, the Government had adopted a national action plan to implement United Nations Security Council resolution 1325 (2000), which would be reviewed in 2014.

3. The Law on Equal Opportunities for Women and Men had been amended in 2012 to oblige public institutions to guarantee equal treatment for women and men when providing administrative and public services; to define the acts that constituted a violation of the right to equal treatment; and to specify the terms under which the Office of the Ombudsman for Equal Opportunities considered complaints. The Law had been further amended in 2013 to oblige public institutions and municipalities to include measures and actions to promote gender equality in strategic plans. Training on gender equality had been provided to municipalities to assist them with implementing that amendment.

4. A new law on State-guaranteed legal aid had come into force on 1 January 2014. The law increased access to secondary State-guaranteed legal aid and provided for conciliatory mediation services.

5. The promotion of both de jure and de facto gender equality remained a priority in all policy sectors. Under the 2010–2014 national programme on equal opportunities for men and women, a number of measures aimed at eliminating gender-based inequality had been taken. An independent assessment of the implementation of that programme was to begin in 2014. The results of the assessment and the Committee's concluding observations would be helpful for the 2015–2020 national programme on equal opportunities for women and men and other strategies aimed at eliminating gender-based discrimination, combating gender-based violence and mainstreaming the gender perspective.

6. The Commission on Equal Opportunities for Women and Men, which was composed of representatives from all government ministries and women's organizations, coordinated and monitored the implementation of the 2010–2014 national programme on equal opportunities for women and men. The division responsible for gender equality, which came under the authority of the Ministry of Social Security and Labour, served as the secretariat of the Commission. The division's functions included drafting and reviewing relevant legislation, devising and implementing gender equality programmes and conducting research in that area. The 2010–2014 national programme on equal opportunities for women and men had yielded positive results: the gender pay gap had

decreased and the number of female entrepreneurs and women participating in political decision-making had increased.

7. The Government was committed to combating violence against women and, in particular, domestic violence. The Criminal Code and the Code of Criminal Procedure had been amended to ensure that victims of domestic violence were effectively protected against further acts of violence during pretrial investigations and court hearings. A pretrial investigation was conducted into all cases involving domestic violence. The Criminal Code classified sexual abuse as a criminal offence, irrespective of the relationship between the victim and the offender. The fact of marriage did not absolve the offender of criminal responsibility.

8. Under the Law on Protection against Domestic Violence, children who witnessed domestic violence or who lived in a violent environment were also considered to be victims. Police officers were obliged to take immediate measures to protect victims of domestic violence and to conduct an investigation even if an official complaint had not been filed. In 2014, the Law on Protection against Domestic Violence had been amended to enhance the protection afforded to victims and to oblige the police to inform specialized care centres about all victims. The nationwide network of specialized care centres had provided psychological, medical and legal assistance to more than 5,000 victims of domestic violence in 2013. The 2014–2020 national programme for preventing domestic violence and providing assistance to victims had been adopted in the first half of 2014. The programme aimed to reduce the level of domestic violence in the country by raising public awareness of different forms of violence and their consequences, and the need to put an end to them; and to foster cooperation between the State and local institutions and NGOs.

9. A recent study conducted in the light of the Committee's recommendations had shown that women from disadvantaged and vulnerable groups, including elderly women, women with disabilities, rural women and migrant women, often had difficulty in accessing health-care services, social services and employment. The recommendations formulated on the basis of that study would be incorporated into programmes aimed at promoting social cohesion and non-discrimination.

Articles 1 to 4

10. **Ms. Al-Jehani** said that the equality between women and men under the law was not always reflected in practice. Noting that the Convention was seldom invoked in court proceedings and rulings, she asked whether lawyers, prosecutors and judicial officers had received training thereon. She also enquired about the measures the State party had taken to disseminate the Convention among the general public. She asked whether Lithuanian legislation prohibited discrimination on multiple grounds and whether national courts took multiple grounds for discrimination into account when handing down rulings.

11. Noting that the position of the Ombudsman for Equal Opportunities had been vacant for around six months, she asked when it would be filled. Furthermore, the Committee had received reports that, although the Office of the Ombudsman for Equal Opportunities had the authority to impose administrative sanctions, it rarely did so. She asked whether those reports were accurate; how many complaints of gender-based discrimination and discrimination on multiple grounds it had received; what procedure the Office followed to resolve those complaints; and whether it had been allocated the financial and human resources necessary for it to function effectively.

12. She also wished to know whether the Government planned to open branches of the Office of the Ombudsman for Equal Opportunities and to accord it the status of an independent national human rights institution. Lastly, she requested more information on the new law on State-guaranteed legal aid.

13. **Ms. Zou Xiaojiao** said that the Committee had received reports that the division responsible for gender equality had only three staff members, two of whom were new recruits on temporary contracts. In addition, the division appeared not to have its own budget. She requested clarification on the role of the division in coordinating activities relating to the promotion of gender equality. She also wished to know whether the State party planned to take measures to enhance the effectiveness of the national machinery for promoting gender equality.

14. Noting that the Commission on Equal Opportunities for Women and Men was composed of representatives of all government ministries, she asked whether those focal points worked for the Commission on a full-time basis or in addition to their other duties. She wished to know whether gender focal points had been appointed at the local level. Cooperation between gender focal points at the national and local levels was essential for the effective implementation of the State party's policy on gender equality. She asked what measures the Government was taking to strengthen that cooperation and to encourage NGOs to participate in implementing the 2010-2014 national programme on equal opportunities for women and men.

15. **Ms. Bareiro-Bobadilla** said that the State party had not acted upon the recommendations made by the Committee in connection with the previous periodic report (CEDAW/C/LTU/CO/4) to the effect that it should systematically adopt laws on temporary special measures and effectively implement them in order to accelerate the realization of women's de facto equality with men; and that it should consider amending the Law on Equal Opportunities for Women and Men to simplify the procedure of applying temporary special measures. While the Law on Equal Opportunities for Women and Men promoted de jure gender equality by prohibiting gender-based discrimination, it appeared not to provide for temporary special measures aimed at accelerating de facto gender equality. She enquired as to the nature of the various temporary special measures recommended by the Office of the Ombudsman for Equal Opportunities.

16. **Ms. Michailovskytė** (Lithuania) said that, while the Convention was not usually invoked by Lithuanian courts, it had been invoked in a recent case involving discrimination on the grounds of gender and disability. The courts tended to refer to other international instruments such as the European Convention on Human Rights and to the case law of the European Court of Human Rights, which also covered gender-based discrimination.

17. **Ms. Juršėnienė** (Lithuania) said that the Convention was disseminated through the 2010-2014 national programme on equal opportunities for women and men. Judicial officers received training on the Convention on a regular basis. The Law on Equal Opportunities for Women and Men and the Law on Equal Treatment did not contain a definition of multiple discrimination. The Office of the Ombudsman for Equal Opportunities took account of all grounds for discrimination mentioned in a complaint when taking a decision; however, it received very few complaints concerning multiple forms of discrimination.

18. **Ms. Michailovskytė** (Lithuania) said that the courts also took all grounds for discrimination into account when handing down decisions.

19. **Ms. Juršėnienė** (Lithuania) said that the Office of the Ombudsman for Equal Opportunities rarely received complaints involving multiple discrimination. Figures for 2013 revealed that 14 per cent of complaints of discrimination had been on grounds of gender; 53 per cent on grounds of social status; 12 per cent on grounds of disability; and a small percentage on other grounds; none of the complaints had involved sexual harassment.

20. The Office took all factors into account before making the best decision to protect a person's rights and prevent further discrimination. Experience had shown that administrative sanctions were not an effective deterrent. The practice was for the Office to

contact the offender and recommend discontinuance of the discriminatory action. However, repealing discriminatory legislation was the most effective measure, since it prevented further discrimination against other persons in the future.

21. There were no plans to open regional branches of the Office. Since the start of the economic crisis, the focus had been on ensuring people could easily access the services of the Office in Vilnius, even those living in rural areas. The public were encouraged to contact the Office using various means, including electronic ones.

22. The Office had a permanent staff of 12. Its annual budget allocation had been cut from the equivalent of 600,000 euros in 2008 to less than 400,000 in 2013, but had been increased slightly for 2014. The long-serving Ombudsman for Equal Opportunities no longer occupied the post and the Children's Ombudsman had been put in charge until parliament appointed a new one.

23. **Ms. Michailovskytė** (Lithuania) said that the new law on State-guaranteed legal aid had come into force in January 2014 and ensured free access to justice for women with insufficient resources and for all female victims of criminal offences.

24. **Mr. Paulauskas** (Lithuania) said that a decision had been taken to establish a national human rights institution (NHRI), along similar lines to the Office of the Ombudsman for Equal Opportunities. Draft amendments to legislation had been prepared and discussed with representatives of civil society, the United Nations Office of the High Commissioner for Human Rights and national human rights institutions of other countries, which had concluded that they were in compliance with the Paris Principles. Unfortunately, the decision to establish the NHRI had coincided with the economic recession and a shortage of funds. Thus, in the interim, a human rights division had been created within the Office of the Ombudsman, which was already carrying out the functions of the future NHRI. The draft amendments would be discussed by parliament in the autumn and he would raise the Committee's concerns with key politicians in Vilnius.

25. **Ms. Juršėnienė** (Lithuania) said that the division responsible for gender equality also served as a secretariat for the Commission on Equal Opportunities for Women and Men. Its tasks included: monitoring legislation and draft amendments thereto to ensure gender mainstreaming; coordinating the national programme on equal opportunities for women and men; providing advice on gender mainstreaming to other ministerial departments, other ministries and municipalities; and ensuring compliance with international obligations.

26. **Ms. Daugalienė** (Lithuania) said that although her main responsibility was rural development, she had been assigned to the division responsible for gender equality together with another person whose main responsibility was legal matters. While not all of their time was devoted to the division, they ensured that gender equality was reflected in their areas of work and transposed into related programmes. Non-governmental organizations served as a channel for spreading the message from government to local level.

27. **Ms. Juršėnienė** (Lithuania) said that the Commission on Equal Opportunities for Women and Men was composed of representatives from ministries, the national statistics unit, NGOs and women's trade unions. Other interested parties such as academic researchers were always invited to meetings.

28. From October 2014, municipalities would be obliged to include gender equality in their strategic plans. In the meantime, they were encouraged to participate in implementing the national programme on equal opportunities for women and men. A project had been launched in 2013 to promote gender mainstreaming at the municipal level, increasing the capacity of municipal officials through awareness-raising and training on the main gender equality concepts to be incorporated into their strategic plans. Local focal points in charge

of gender issues had been appointed in the municipalities and a municipality network had been created. Discussions were under way on including representatives from the network in the Commission.

29. As well as having representatives in the Commission, NGOs participated directly in its gender mainstreaming coordination work. They had several opportunities for funding, including competing for grants from ministries for programmes addressing gender equality, human rights, violence or disabilities. Since 2014, the Ministry of Social Security and Labour had been organizing separate competitions for grants to non-governmental organizations. The ministry was also involved in preparations for the proposed establishment of civil society foundations to support non-governmental organizations contributing to the development of civil society.

30. **Mr. Vaidelis** (Lithuania) said that legislation on NGOs and on voluntary work had been adopted in 2013, which would allow NGOs to cover certain volunteer expenses.

31. **Ms. Juršėnienė** (Lithuania) said that the 2010–2014 national programme on equal opportunities for women and men was drawing to a close. The new programme for 2015 to 2020 would give priority to securing equal pay for women and continuing gender mainstreaming in all areas. More information on the programme would be released later in the year.

32. Temporary special measures were guaranteed under the Law on Equal Opportunities for Women and Men, but needed to be specified in relevant laws. Binding quotas were not currently provided for in law, although voluntary quotas were encouraged. The Office of the Ombudsman for Equal Opportunities had published recommendations on the implementation of temporary special measures and provided relevant training on achieving gender balance. The recommendations cautioned against applying too many temporary special measures simultaneously and emphasized that they should not be contradictory or limit the rights of other persons. They did not recommend legally binding quotas in the areas of recruitment, employment and education to avoid breaching the human rights of other groups. A monitoring system should be in place to assess the effectiveness of temporary special measures. Several political parties were currently implementing voluntary temporary special measures.

33. **Ms. Daugalienė** (Lithuania) said that local action groups were following the recommendation that there should be a gender ratio of 40:60 (men or women either way round) on local bodies responsible for decisions on funding local projects. Representatives of other vulnerable groups and youth should also be involved to ensure equal decision-making opportunities.

34. **Ms. Ambrozaitienė** (Lithuania) said that 25 per cent of members of municipal councils in 2011 had been women, compared with 18 per cent in 2000.

35. **Ms. Al-Jehani** asked the delegation to provide written information within 48 hours on court cases in which the Convention was invoked so that the Committee could include it in its concluding observations. She enquired about proposed amendments to the Constitution, *inter alia*, on the definition of the family. She asked whether mediation would be mandatory under the new law on State-guaranteed legal aid to victims of crime and whether mediation was used in cases of domestic violence and sexual violence.

36. She expressed concern that the low percentage of complaints concerning gender-based discrimination received by the Office of the Ombudsman for Equal Opportunities was an indication that people were unaware of its role and how to access its services. She welcomed the State party's initiative to encourage people living outside of the capital to contact the Office via electronic means, but asked whether that meant it did not intend to open regional branches.

37. **Ms. Zou Xiaqiao** wondered whether additional staff would be assigned to the division on gender equality. Given the low percentage of complaints received concerning sexual harassment, she asked whether steps had been taken to raise public awareness of the issue and whether appropriate legislation had been adopted.

38. **Ms. Bareiro-Bobadilla** said she was concerned that insufficient financial and human resources had been allocated to the Office of the Ombudsman for Equal Opportunities and that it would not be able to handle its workload. She underscored that temporary special measures should not be limited to legally binding quotas and encouraged the State party to implement other measures to eliminate gender-based discrimination and ensure real gender equality in all areas.

39. **Ms. Michailovskytė** (Lithuania) said that a bill to amend article 38 of the Constitution regarding the definition of the family had been submitted to parliament and was under consideration.

40. **Ms. Juršėnienė** (Lithuania) agreed on the importance of strengthening the division on gender equality. It had only been in 2013 that no complaints of sexual harassment had been received, although, even in previous years, only one or two complaints had been received. There were various reasons for the low number of complaints, including a lack of awareness of the problem and the fact that during the economic crisis people were reluctant to file complaints for fear of losing their jobs. She endorsed the comments on temporary special measures, underlining that the recommendations of the Office of the Ombudsman for Equal Opportunities did not exclude the implementation of other temporary special measures and were not limited to imposing binding legally quotas. Facilitating access to the Office of the Ombudsman for Equal Opportunities by electronic media did not preclude the possibility of establishing regional branches.

41. **Ms. Michailovskytė** (Lithuania) said that a proposal was before parliament to amend the law on State-guaranteed legal aid thereby postponing implementation of mandatory mediation until January 2015.

Articles 5 and 6

42. **The Chairperson**, speaking in her capacity as an expert, asked about the time frame for ratifying the Istanbul Convention; whether the 2014-2020 national programme for preventing domestic violence and assistance to victims would supersede the 2006 National Strategy for Combating Violence against Women; and whether the State party would take account of the concerns raised and recommendations made by the Committee in connection with the previous periodic report in the new programme. She asked whether there was a mechanism specifically for monitoring the results of the new national programme; whether any obstacles to its implementation had been identified and addressed; and whether the programme received adequate funding, particularly since funding for the national strategy had significantly decreased in 2009 and 2010.

43. The recent law on domestic violence was not in line with the Committee's emphasis on the structural nature of violence against women and the need to frame it in the wider context of elimination of discrimination against women and the achievement of gender equality. She asked whether measures to eliminate gender stereotypes would be set as priorities in the national programme; whether sexual harassment was subject to criminal or other penalties; whether certain aggravating circumstances, such as repeat offences or the presence of a child, made it permissible to impose stricter sentences; and whether prosecutors sometimes had to initiate proceedings *ex officio* or whether the victims had to decide to press charges themselves.

44. Despite the requirements under paragraph 48 of the Istanbul Convention, the Committee had received reports that mediation and conciliation was used extensively in

domestic violence cases. She asked for further information on such cases, including whether mediation was a mandatory practice or applied as an alternative to civil law suits and on related penalties.

45. More information would be welcome on protection measures in cases of domestic violence, including: how quickly a situation was assessed as being dangerous; the powers of the police to issue emergency protection orders; whether the protection order remained in force until a judicial restraining order was approved; the time frame for judicial decisions, and how effectively they were enforced. According to the Committee's sources, the State party did not have a mechanism to enforce the two protection measures.

46. She requested clarification of an inconsistency in the State party's replies (CEDAW/C/LTU/CO.4/Add.1): paragraph 41 suggested that 17 specialized assistance centres for victims of domestic violence were State-funded, and yet according to paragraph 54, only 9 such centres were State funded.

47. Lastly, she asked whether services like social housing, forensic medical examinations and health assistance were provided to women victims of other forms of violence, who were unwilling to testify or press charges, and whether it depended on their willingness to be involved in proceedings.

48. **Ms. Jahan** said that Lithuania remained a source, transit and destination country for human trafficking: adolescent girls in boarding schools, orphanages, special care homes and State-run foster homes as well as girls with mental and psychological disabilities were often victims of trafficking. What targeted protection measures had the Government taken to prevent trafficking in those institutions? Had investigations been carried out into allegations of corruption among officials?

49. She asked whether the anti-trafficking action plan focused on the root causes of trafficking, such as economic disparities and a dearth of education and employment opportunities; whether the State party undertook regular public awareness-raising programmes targeting young girls and women; and whether rehabilitation and reintegration programmes existed for trafficked women returning from abroad.

50. She wished to know why Lithuania had been downgraded from a tier 1 to a tier 2 country for trafficking in 2013. Since a similar pattern had been seen in neighbouring countries, she wondered whether it was perhaps a sign of poor intercountry cooperation. Other possible causes were less action by law enforcement officials and fewer investigations, prosecutions and convictions; the fact that relevant training was optional for law enforcement officials, prosecutors and judges; and the lack of gender sensitivity in judicial proceedings. What was being done to restore the country to tier 1 status?

51. Given the importance of constant monitoring, she expressed concern that financial constraints had prevented external evaluation of the 2009–2012 national programme on the prevention and control of human trafficking. Similarly, despite the fact that Lithuania was party to the Trafficking in Persons Protocol and had signed the Istanbul Convention, it lacked gender-sensitive anti-trafficking laws. Had steps been taken to draw up a comprehensive trafficking strategy with measurable goals?

52. Noting that prostitution was an administrative offence for minors when it was proved to be voluntary, she asked whether the State party might consider reviewing the Code of Administrative Offences to remove that condition. Furthermore, since Lithuania was now a European Union member State, she wondered whether it might support the Nordic model for dealing with prostitution, through measures including reducing the demand for prostitution rather than criminalizing women.

53. **Mr. Milevičius** (Lithuania) said that awareness-raising measures to counter gender stereotypes had indeed been included in the 2014–2020 national programme for preventing

domestic violence and assistance to victims. The Government had established a working group to consider the options for ratifying the Istanbul Convention and was expected to issue its conclusions shortly. He confirmed that the 2014-2020 national programme would supersede the 2006 National Strategy for combating violence against women and enshrine the provisions of the latter. Even before the national programme had been approved, Lithuania had consistently been funding NGOs combating violence against women, but now the programme included funding for special assistance centres. Although funds allocated to domestic violence had dwindled during the crisis in 2009 and 2010, they had more than tripled since 2011.

54. Each year, information on the implementation of the Strategy had been included in the report on government activities and an evaluation of its results had shown that it was not sufficient and that a new law on domestic violence was required. The new national programme would include a set of criteria to improve the evaluation process, including surveys to indicate existing and potential levels of violence.

55. Most specialized assistance centres were run by women's NGOs representing women's best interests. The aim of the Law on Protection against Domestic Violence was to provide assistance to all groups, and yet it was bound to help women more than men, since 90 per cent of domestic violence victims were women. He confirmed that there were 17 specialized assistance centres, but that only 9 of them were under direct ministerial supervision, although all of them received State funding.

56. **Ms. Juršėnienė** (Lithuania) said that the national programme on equal opportunities for women and men contained a number of initiatives to combat stereotypes, such as special training modules to promote non-stereotypical images of women in media.

57. **Mr. Vaidelis** (Lithuania) added that in Lithuania there were specialized centres which ran programmes, particularly for primary schools, aimed at preventing the early emergence of stereotypes and violence in schools.

58. **Ms. Juršėnienė** (Lithuania) said that the Office of the Ombudsman for Equal Opportunities had the authority to refer cases of sexual harassment for prosecution.

59. **Ms. Michailovskytė** (Lithuania) confirmed that sexual harassment was criminalized under the Criminal Code and punishable by a fine or arrest. In the case of repeat offences related to either sexual harassment or violence, the courts could impose more severe penalties.

60. **Ms. Juršėnienė** (Lithuania) said that pretrial investigations were mandatory in domestic violence cases. In accordance with the Code of Criminal Procedure, regardless of whether a report had been filed by a victim or a police officer, pretrial investigations were initiated either by the prosecutor or the pretrial investigation judge and the costs were borne by the State.

61. **Mr. Žilinskas** (Lithuania) said that police procedures in cases of domestic violence were clear and effective: on arrival at the scene, police officers informed the victim of the assistance possibilities and reported the incident to a specialized assistance centre; the offender could be ordered temporarily to move out of the place of residence or not to approach or seek contact with the victim. The measures remained effective until the case had been examined, unless a pretrial investigation judge ordered detention or restraining measures within 48 hours. Police officers were responsible for monitoring compliance with the measures.

62. **Ms. Michailovskytė** (Lithuania) said that mediation was not mandatory in criminal cases. Nevertheless, a working group appointed to consider the issue had concluded in June 2014 that some legislation, such as the Criminal Code and Code of Criminal Procedure, should be amended and a new law on mandatory mediation must be introduced.

63. **Mr. Milevičius** (Lithuania) said that all victims of domestic violence could apply to specialized assistance centres, regardless of whether they had already been to the police. Under the new bill on reproductive matters, there were plans for victims of sexual violence to be able to seek assistance in those centres too.

64. **Ms. Armonavičienė** (Lithuania) said that guidelines on the treatment of rape victims were provided for health-care specialists, such as gynaecologists and psychologists. There were also centres catering specifically for victims of sexual violence.

65. **Mr. Žilinskas** (Lithuania) said that measures to combat human trafficking formed an integral part of the national programme on crime prevention and control, although there was no dedicated programme. The Government had organized information campaigns through various media and in different locations to raise public awareness of the risks of trafficking and forced labour and to encourage citizens moving abroad to report cases. It was also participating in an international project in the Baltic Sea region aimed at improving partnerships to combat human trafficking and labour exploitation.

The meeting rose at 1 p.m.

